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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORNELIUS AARON PETTUS, Jr.

Defendant.

No. 3:20-cr-00100-SLG-MMS

**MOTION TO ACCEPT LATE-FILED RESPONSE TO MOTION IN LIMINE
(UNOPPOSED)**

The government filed a notice of its intent to introduce evidence of the defendant's prior bad acts, as required by Fed. R. Evid. 404(b)(3). ECF No. 26. Defendant Cornelius Aaron Pettus, Jr., filed a motion in limine asking to exclude that evidence. ECF No. 27.

Although this motion was filed significantly in advance of trial, the government's intent was to file a response with its other trial filings (i.e. its trial brief, proposed jury instructions, proposed voir dire, and its own motions in limine), once it appeared that the

case was going to in fact proceed to trial. Because the government did not respond by the standard pretrial motions deadline, the court deemed the motion conceded and granted it.

The government apologizes for misconstruing the court's intended procedure and for failing to seek clarification for its intended course of action. The government respectfully asks that, notwithstanding this error, the court accept the attached response in opposition and consider the question on the merits—or, in the alternative, to deem the attached motion the “application ... made outside the presence of the jury” contemplated in the court's order. ECF No. 31 at 2.

Through counsel, the defendant indicates that he does not oppose the court's consideration of the merits of this issue (although he of course continues to believe that his substantive motion should be granted).

RESPECTFULLY SUBMITTED August 31, 2021 at Anchorage, Alaska.

E. BRYAN WILSON
Acting United States Attorney

/s James Klugman
JAMES KLUGMAN
Assistant United States Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2021
a true and correct copy of the foregoing
was served electronically on:

Clinton M. Campion

/s James Klugman
Office of the U.S. Attorney